

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BARBARA MINGES, as  
Personal Representative of the  
Estate of Nicholas Jaeger,

Plaintiff,

v.

COUNTY OF BERRIEN, et al.,

Defendants.

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Case No. 1:23-cv-1308

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Berrien County, Deputy Jane Doe, and Deputy Justin Williams filed a partial motion to dismiss and motion for more definite statement. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 19, 2024, recommending that this Court grant the motions. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 44) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion to Dismiss filed pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 14) is GRANTED as to Count III (Plaintiff's ADA claim).

**IT IS FURTHER ORDERED** that the Motion for a more definite statement filed pursuant to Fed. R. Civ. P. 12(e) is GRANTED as to Counts I and II, and Plaintiff shall file an amended

complaint with respect to those counts. The deadline to file the amended complaint is September 30, 2024.

Dated: September 9, 2024

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge